

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America )

v. )

CHRISTOPHER MACHICOTE )

Date of Previous Judgment: August 9, 2004 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 5:03cr00012-008

USM No: 20013-058

James S. Weidner, Jr.

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

|   |  |
|---|--|
| Previous Offense Level: <u>29</u>                           | Amended Offense Level: <u>27</u>                           |
| Criminal History Category: <u>III</u>                       | Criminal History Category: <u>III</u>                      |
| Previous Guideline Range: <u>life</u> to <u>life</u> months | Amended Guideline Range: <u>life</u> to <u>life</u> months |

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction as the guideline range remains unchanged due to the mandatory statutory minimum sentence.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated August 9, 2004 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 17, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)



Richard L. Voorhees  
United States District Judge



